

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche M. Manning	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1641	DATE	3/27/2008
CASE TITLE	Tillman vs. U.S. Energy Savings Corporation		

DOCKET ENTRY TEXT

The plaintiff's complaint invokes diversity of citizenship grounds. *See* 28 U.S.C. § 1332. The court has reviewed the jurisdictional allegations in the complaint pursuant to *Wisconsin Knife Works v. National Metal Crafters*, 781 F.2d 1280, 1282 (7th Cir. 1986) ("the first thing a federal judge should do when a complaint is filed is check to see that federal jurisdiction is properly alleged"). Accordingly, the complaint is dismissed for lack of jurisdiction. The plaintiff shall file an amended complaint addressing the concerns outlined in this order by April 18, 2008.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

The plaintiff's complaint invokes diversity of citizenship grounds. *See* 28 U.S.C. § 1332. The court has reviewed the jurisdictional allegations in the complaint pursuant to *Wisconsin Knife Works v. National Metal Crafters*, 781 F.2d 1280, 1282 (7th Cir. 1986) ("the first thing a federal judge should do when a complaint is filed is check to see that federal jurisdiction is properly alleged").

There are two problems with the jurisdictional allegations in the complaint. First, the plaintiff alleges that she resides in Indiana. Citizenship, not residency, is what matters for diversity jurisdiction, so "[w]hen the parties allege residence but not citizenship, the court must dismiss the suit." *Guaranty National Title Co. v. J.E.G. Associates*, 101 F.3d 57, 59 (7th Cir. 1996). Second, although the complaint refers generally to the Class Action Fairness Act and is styled as a class action, it does not contain any specific allegations about the amount in controversy. Instead, the complaint asserts that "thousands of U.S. Energy customers have been victimized" and seeks punitive damages. These allegations fail to adequately show that the amount in controversy exceeds \$5 million. *See* 28 U.S.C. § 1332(d)(6) (the Class Action Fairness Act authorizes the aggregation of class members' claims to satisfy the minimum amount in controversy required in a diversity suit, which in the case of a suit governed by the Act is \$5 million).

Accordingly, the complaint is dismissed for lack of jurisdiction. The plaintiff shall file an amended complaint addressing the concerns outlined in this order by April 18, 2008.